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### The Constitution. ARTICLE II. LEGISLATIVE DEPARTMENT.

Section 1. The legislative power of this State shall be vested in two distinct branches, the one to be styled the "Senate," and the other the "House of Representatives," and both together the "General Assembly" of the State of South Carolina.

Sec. 2. The House of Representatives shall be composed of members chosen by ballot every second year, by the citizens of this State, in conformity with the provisions of this constitution.

Sec. 3. The judicial districts shall hereafter be designated as counties, and the boundaries of the several counties shall remain as they are now established, except the County of Pickens, which is hereby divided into two counties, by a line leaving the Southern boundary of the State of North Carolina, where the White Water River enters this State, and thence down the centre of said river, by whatever names known, to Ravenel's bridge, on Seneca River, and thence along the centre of the road leading to Pendleton Village, until it intersects the line of the County of Anderson; and the territory lying east of said line shall be known as the County of Pickens, and the territory lying west of said line shall be known as the County of Oconee. Provided, That the legislature shall have the power at any time to organize new counties by changing the boundaries of any of the old ones, but no new county shall be hereafter formed of less extent than six hundred and twenty-five square miles, nor shall any existing counties be reduced to a less extent than six hundred and twenty-five square miles. Each county shall constitute one election district.

Sec. 4. The House of Representatives shall consist of one hundred and twenty-four members, to be appointed among the several counties according to the number of inhabitants contained in each. An enumeration of the inhabitants for this purpose shall be made in 1869, and again in 1873, and shall be made in the course of every tenth year thereafter, in such manner as shall be by law directed; and representatives shall be assigned to the different counties in the above mentioned proportion, by act of the General Assembly at the session immediately succeeding every enumeration. Provided, That when the appointment which shall be made upon the next enumeration shall take effect, the representation of the several counties, as herein stated, shall be as follows: Abbeville, 5; Anderson, 3; Barnwell, 6; Beaufort, 7; Charleston, 18; Chester, 3; Clarendon, 2; Colleton, 5; Chesterfield, 2; Darlington, 9; Edgefield, 7; Fairfield, 2; Georgetown, 3; Greenville, 4; Horry, 2; Kershaw, 2; Lancaster, 3; Laurens, 4; Lexington, 3; Marion, 3; Marlboro, 2; Newberry, 3; Oconee, 2; Orangeburg, 5; Pickens, 1; Richland, 4; Spartanburg, 4; Sumter, 4; Union, 3; Williamsburg, 3; York, 4.

Sec. 5. If the enumeration herein directed shall not be made in the course of the year appointed for the purpose, it shall be the duty of the Governor to have it effected as soon thereafter as shall be practicable.

Sec. 6. In assigning representatives to the several counties, the General Assembly shall allow one

representative to every one hundred and twenty-fourth part of the whole number of inhabitants in the State; Provided, That if in the apportionment of representatives any county shall appear not to be entitled, from its population, to a representative, such county shall nevertheless send one representative; and if there be still a deficiency of the number of representatives required by section 4 of this article, such deficiency shall be supplied by assigning representatives to those counties having the largest surplus fractions.

Sec. 7. No apportionment of representatives shall be construed to take effect, in any manner, until the general election which shall succeed such apportionment.

Sec. 8. The Senate shall be composed of one member from each county, to be elected, for the term of four years, by the qualified voters of the State, in the same manner in which members of the House of Representatives are chosen; except the county of Charleston, which shall be allowed two Senators.

Sec. 9. Upon the meeting of the first General Assembly which shall be chosen under the provisions of this constitution, the senators shall be divided, by lot, into two classes, as nearly equal as may be; the seats of the senators of the first class to be vacated at the expiration of two years after the Monday following the general election, and of those of the second class at the expiration of four years, so that, except as above provided, one half of the senators may be chosen every second year.

Sec. 10. No person shall be eligible to a seat in the Senate or House of Representatives who at the time of his election is not a citizen of the United States; nor who has not been for one year next preceding his election a resident of this State, and for three months next preceding his election a resident of the county whence he may be chosen, nor any one who has been convicted of any infamous crime. Senators shall be at least twenty-five, and representatives at least twenty-one years of age.

Sec. 11. The first election for senators and representatives under the provisions of this constitution shall be held on the 14th, 15th and 16th of April of the present year; and the second election shall be held on the third Wednesday in October, 1870, and forever thereafter on the same day in every second year, in such manner and at such places as the legislature may hereafter provide. [This section has had only two readings, and its further consideration has been postponed until the remaining provisions of the constitution shall have been adopted.]

Sec. 12. The first session of the General Assembly, after the ratification of this constitution, shall be convened on the second Tuesday in May of the present year, in the City of Columbia (which shall remain the seat of government until otherwise determined by the concurrence of two-thirds of both branches of the whole representation), and thereafter on the fourth Tuesday in November annually. Should the casualties of war or contagious diseases render it unsafe to meet at the seat of government, then the Governor may, by proclamation appoint a more secure and convenient place of meeting.

Sec. 13. The terms of office of the senators and representatives chosen at a general election, shall begin on the Monday following such election.

Sec. 14. Each House shall judge of the election returns and qualifications of its own members, and a majority of each House shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may compel

the attendance of absent members in such manner and under such penalties as may be provided by law.

Sec. 15. Each House shall choose its own officers, determine its rules of proceeding, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member, but not a second time for the same cause.

Sec. 16. Each House may punish by imprisonment, during its sitting; any person not a member, who shall be guilty of disrespect to the House by any disorderly or contemptuous behavior in its presence; or who, during the time of its sitting, shall threaten harm to body or estate of any member for anything said or done in either House, or who shall assault any of them therefor or who shall assault or arrest any witness or other person ordered to attend the House, in his going thereto or returning therefrom, or who shall rescue any person arrested by order of the House. Provided, That such term of imprisonment shall not extend beyond the session of the General Assembly.

Sec. 17. The members of both Houses shall be protected in their persons and estates during their attendance on, going to, and returning from, the General Assembly, and ten days previous to the sitting, and ten days after the adjournment thereof. But these privileges shall not be extended so as to protect any member who shall be charged with treason, felony, or breach of the peace.

Sec. 18. Bills for raising a revenue shall originate in the House of Representatives, but may be altered, amended or rejected by the Senate; and all other bills may originate in either House, and may be amended, altered or rejected by the other.

Sec. 19. The style of all laws shall be, "Be it enacted by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same."

Sec. 20. Every act or resolution having the force of law shall relate to but one subject, and that shall be expressed in the title.

Sec. 21. No bill shall have the force of law until it shall have been read three times, and on three several days in each house—has had the great seal of State affixed to it, and has been signed in the Senate House by the President of the Senate and the Speaker of the House of Representatives.

Sec. 22. No money shall be drawn from the treasury but in pursuance of an appropriation made by law; and a regular statement and account of the receipts and expenditures of all public moneys shall be published annually in such manner as may be by law directed.

Sec. 23. Each member of the first General Assembly under this constitution shall receive six dollars per diem while in session, and the further sum of twenty cents for every mile of the ordinary route of travel in going to and returning from the place where such session is held, after which they shall receive such compensation as shall be fixed by law; but no general Assembly shall have the power to increase the compensation of its own members. And when convened in extra session they shall receive the same mileage and per diem compensation as are fixed by law for the regular session, and none other.

Sec. 24. In all elections by the General Assembly, or either House thereof, the members shall vote "viva voce," and their votes thus given shall be entered upon the journal of the House to which they respectively belong.

Sec. 25. Neither House, during the session of the General Assembly,

shall without the consent of the other, adjourn for more than three days, nor to any other place than that in which the Assembly shall be at the time sitting.

Sec. 26. Each House shall keep a journal of its own proceedings, and cause the same to be published immediately after its adjournment, excepting such parts as in its judgment may require secrecy; and the yeas and nays of the members of either House, on any question, shall, at the desire of any two members present, be entered on the journals. Any member of either House shall have liberty to dissent from, and protest against, any act or resolution which he may think injurious to the public or to an individual, and have the reasons of his dissent entered on the journals.

Sec. 27. The doors of each House shall be open, except on such occasions as in the opinion of the House may require secrecy.

Sec. 28. No person shall be eligible to a seat in the General Assembly whilst he holds any office of profit or trust under this State, the United States of America, or any of them, or under any power, except officers in the militia, magistrates, or justices of Inferior Courts, while such justices receive no salary. And if any member shall accept or exercise any of the said disqualifying offices, he shall vacate his seat; Provided, That this prohibition shall not extend to the members of the first General Assembly.

Sec. 29. If any election district shall neglect to choose a member or members on the day of election, or if any person chosen a member of either House shall refuse to qualify and take his seat, or shall resign, die, depart the State, accept any disqualifying office, or become otherwise disqualified to hold his seat, a writ of election shall be issued by the President of the Senate, or Speaker of the House of Representatives, as the case may be, for the purpose of filling the vacancy thereby occasioned, for the remainder of the term for which the person so refusing to qualify, resigning, dying, leaving the State, or becoming disqualified, was elected to serve, or the defaulting election district ought to have chosen a member or members.

Sec. 30. Members of the General Assembly, and all officers, before they enter upon the execution of the duties of their respective offices, and all members of the bar, before they enter upon the practice of their profession, shall take and subscribe the following oath:

"I do solemnly swear, (or affirm as the case may be) that I am duly qualified according to the Constitution of the United States and of this State to exercise the duties of the office to which I have been elected (or appointed) and that I will faithfully discharge to the best of my abilities the duties thereof; that I recognize the supremacy of the Constitution and laws of the United States, over the constitution and laws of any State; and that I will support, protect and defend the Constitution of the United States and the Constitution of South Carolina, as ratified by the people on the day of \_\_\_\_\_, 1868. So help me God." And the President of this convention is authorized to fill the blanks in this section whenever he shall receive satisfactory information of the day on which this constitution shall be ratified.

Sec. 31. Officers shall be removed for incapacity, misconduct or neglect of duty, in such manner as may be provided by law, when no mode of trial or removal is provided in this constitution.

Sec. 32. The House of Representatives shall have the sole power of impeaching; but a majority

of all the members elected must concur in an impeachment. All impeachments shall be tried by the Senate; and when sitting for that purpose, the senators shall be upon oath, or affirmation, to do justice according to law and evidence. No person shall be convicted without the concurrence of two-thirds of the senators present.

Sec. 33. The Governor, Lieutenant-Governor, and all other civil officers, shall be liable to impeachment for high crimes and misdemeanors, for any misbehavior in office, for corruption in procuring office, or for any act which shall degrade their official character. But judgment in such cases shall not extend further than to removal from office and disqualification to hold any office of honor, trust or profit under this State. The party convicted shall, nevertheless, be liable to indictment, trial, judgment and punishment according to law.

Sec. 34. There shall be exempt from execution or other final process of any court issued for the collecting of any debt, a homestead in the country consisting of one hundred acres, and the dwelling and appurtenances thereon, to be selected by the owner thereof. And in a city, town or village, in lieu thereof, a lot with the dwelling and appurtenances thereon; provided that such homestead, either in a city, town, village or county, shall not exceed in value two thousand dollars. There shall also be exempt from such execution or other final process of any court issued for the collection of any debt, the necessary articles of furniture, apparel, subsistence and implements of husbandry, trade, or other employment to the value of five hundred dollars. But no property shall be exempt from sales for taxes, or for payment of obligations contracted for the purchase of said homestead, or for the erection of improvements thereon. It shall be the duty of the first legislature that shall assemble after the ratification of this constitution, at its first session, to pass such laws as may be necessary to carry this provision into effect.

Sec. 35. All taxes upon property, real or personal, shall be laid upon the actual value of the property taxed, as the same shall be ascertained by an assessment made for the purpose of laying such tax.

### ARTICLE III.

#### EXECUTIVE DEPARTMENT.

Sec. 1. The Supreme Executive authority of this State shall be vested in a Chief Magistrate, who shall be styled "The Governor of the State of South Carolina."

Sec. 2. The Governor shall be elected at the first general election held under this Constitution for members of the General Assembly, and at each general election thereafter, and shall be installed during the first session of said General Assembly after his election, on such day as shall be provided by law.

Sec. 3. No person shall be eligible to the office of Governor who denies the existence of the Supreme Being, or who, at the time of such election, has not attained the age of thirty years; and who, except at the first election under this Constitution, shall not have been a citizen of the United States, and a citizen and resident of this State for two years next preceding the day of election. No person, while Governor, shall hold any other office or commission, (except in the militia,) under this State or any other power, at one and the same time.

Sec. 4. The returns of every election of Governor shall be sealed up by the managers of elections in their respective Counties, and transmitted, by mail, to the seat of Government, directed to the Secretary of State, who shall deliver them to the Speaker of

the House of Representatives at the next ensuing session of the General Assembly, and a duplicate of said returns shall be filed, with the Clerk of the Courts of said Counties, whose duty it shall be to forward to the Secretary of State a certified copy thereof, upon being notified that the returns previously forwarded by mail have not been received at his office. It shall be the duty of the Secretary of State, after the expiration of seven days from the day upon which the votes have been counted, if the returns thereof from any County have not been received, to notify the Clerk of the Court of said County, and order a copy of the returns filed in his office to be forwarded forthwith. The Secretary of State shall deliver the returns to the speaker of the House of Representatives, at the next ensuing session of the General Assembly, and during the first week of the session, or as soon as the General Assembly shall have organized by the election of the presiding officers of the two Houses, the Speaker shall open and publish them in the presence of both Houses. The person having the highest number of votes shall be Governor; but if two or more shall equal, and highest in votes, the General Assembly shall, during the same session, in the House of Representatives, choose one of them Governor *viva voce*. Contested elections for Governor shall be determined by the General Assembly in such manner as shall be prescribed by law.

Sec. 5. A Lieutenant-Governor shall be chosen at the same time, in the same manner, continue in office for the same period, and be possessed of the same qualifications as the Governor, and shall *ex officio* be President of the Senate.

Sec. 6. The Lieutenant-Governor while presiding in the Senate, shall have no vote, unless the Senate be equally divided.

Sec. 7. The Senate shall choose a President *pro tempore*, to act in the absence of the Lieutenant-Governor, or when he shall exercise the office of Governor.

Sec. 8. A member of the Senate, or of the House of Representatives, being chosen as acting Governor or Lieutenant-Governor, shall thereupon vacate his seat, and another person shall be elected in his stead.

Sec. 9. In case of the removal of the Governor from his office, or his death, resignation, removal from the State, or inability to discharge the powers and duties of the said office, the same shall devolve on the Lieutenant-Governor, and the General Assembly, at its first session after the ratification of this Constitution, shall, by law, provide for the case of removal, death, resignation, or inability, both of the Governor and Lieutenant-Governor, declaring what officer shall then act as Governor, and such officer shall act accordingly, until such disability shall have been removed, or a Governor shall have been elected.

Sec. 10. The Governor shall be Commander-in-Chief of the militia of the State, except when they shall be called into the actual service of the United States.

Sec. 11. He shall have power to grant reprieves and pardons after conviction, (except in cases of impeachment,) in such manner, and under such restrictions as he shall think proper; and he shall have power to remit fines and forfeitures, unless otherwise directed by law. It shall be his duty to report to the General Assembly at the next regular session thereafter, all pardons granted by him, with a full statement of each case, and the reasons moving him thereunto.

Sec. 12. He shall take care that the laws be faithfully executed in mercy.

Sec. 13. The Governor and Lieu-

tenant-Governor shall, at stated times, receive for their services a compensation which shall be neither increased nor diminished during the period for which they shall have been elected.

Sec. 14. All officers in the Executive Department shall, when required by the Governor, give him information in writing upon any subject relating to the duties of their respective offices.

Sec. 15. The Governor shall, from time to time, give to the General Assembly information of the condition of the State, and recommend to their consideration such measures as he shall judge necessary or expedient.

Sec. 16. He may, on extraordinary occasions, convene the General Assembly; and should either House remain without a quorum for five days, or in case of disagreement between the two Houses with respect to the time of adjournment, may adjourn them to such time as he shall think proper—not beyond the time of the annual session then next ensuing.

Sec. 17. He shall commission all officers of the State.

Sec. 18. There shall be a seal of the State, for which the General Assembly, at its first session, shall provide, and which shall be used by the Governor officially, and shall be called "The Great Seal of the State of South Carolina."

Sec. 19. All grants and commissions shall be issued in the name and by the authority of the State of South Carolina, sealed with the great seal, signed by the Governor and counter-signed by the Secretary of State.

Sec. 20. The Governor and the Lieutenant-Governor, before entering upon the duties of their respective offices, shall take and subscribe the oath of office as prescribed in Article II, Section 31, of this Constitution.

Sec. 21. The Governor shall reside at the capital of the State; but during the sittings of the General Assembly, he shall reside where its sessions are held, except in case of contagion.

Sec. 22. Every bill or joint resolution which shall have passed the General Assembly, except on a question of adjournment, shall, before it becomes a law, be presented to the Governor, and, if he approve, he shall sign it; if not, he shall return it, with his objections, to the House in which it shall have originated, which shall enter the objections at large on its journals, and proceed to reconsider it. If, after such reconsideration, two-thirds of that House shall agree to pass it, it shall be sent, together with the objections, to the other House, by which it shall be reconsidered, and, if approved by two-thirds of the House, it shall have the same effect as if it had been signed by the Governor; but, in all such cases, the vote of both Houses shall be taken by yeas and nays, and the names of the persons voting for and against the bill or joint resolution shall be entered on the journals of both Houses respectively. If a bill or joint resolution shall not be returned by the Governor within three days after it shall have been presented to him, Sundays excepted, it shall have the same force and effect as if he had signed it, unless the General Assembly, by their adjournment, prevent its return; in which case it shall not have such force and effect, unless returned within two days after their next meeting.

Sec. 23. There shall be elected by the qualified voters of the State a Comptroller-General, a Treasurer, and a Secretary of State, who shall hold their respective offices for the term of four years, and whose duties and compensation shall be prescribed by law.

Charleston has been divided into three fire districts, and engines assigned to each.